

Robert L. Hyde, Esq. (SBN: 227183)
bob@westcoastlitigation.com

Hyde & Swigart

411 Camino Del Rio South, Suite 301
San Diego, CA 92108-3551
Telephone: (619) 233-7770
Facsimile: (619) 297-1022

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Erica Welker	Case No: 08cv723 JLS (CAB)
v.	Joint Notice and Motion Proposing The Modification Of The Early Neutral Evaluation Currently Set For 7/2/2008
California Accounts Service	Date: July 2, 2008 Time: 10:00 AM Location: 940 Front Street, Room 1131, San Diego, California
	Judge: Hon. Cathy Ann Bencivengo

WHEREAS:

1. The Court has scheduled an Early Neutral Evaluation Conference before Judge Bencivengo in the above named matter for July 2, 2008 at 10:00 AM, and;
2. The Court normally requires that all named parties be present at such Early Neutral Evaluation Conferences, and;

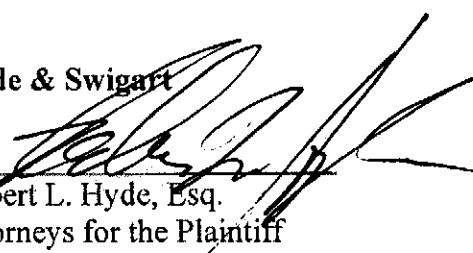
1 3. Ms. Welker will be out of the state from June 24 - July 14 while taking her
2 two children, ages 5 and 9, to a special camp for children with
3 Celiacs Disease, from which her children suffer, and;
4 4. This vacation for Plaintiff's children was planned since last summer, and;
5 5. Because of the special needs of children with Celiacs Disease this is the only
6 chance her children will have this year to attend something like this, and;
7 6. Plaintiff has already paid over \$800.00 to attend this, an amount that would be
8 non-refundable; and;
9 7. Due to the remoteness of the camping location, it is highly unlikely that
10 Plaintiff would be available by cellular telephone, and;
11 8. Plaintiff's counsel has advised of the Court, by telephone, of the desire of all
12 parties to modify the Early Neutral Evaluation Conference.

13 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to this
14 action through their designated counsel of record, that:

15 9. The Early Neutral Evaluation Conference before Judge Bencivengo in the
16 above named matter set for July 2, 2008 at 10:00 AM be modified in that said
17 conference take place by telephone at the currently scheduled date and time,
18 and that this conference take place between the Court and parties counsel
19 only.

20 Date: June 18, 2008

Hyde & Swigart

21 By: 
22 Robert L. Hyde, Esq.
23 Attorneys for the Plaintiff

24 Date: 6/18/08

Carlson & Messer LLP

25 By: /s/ David J. Kaminski
26 David J. Kaminski, Esq.
27 Attorneys for the Defendant